HCS HB 348 -- ELECTIONS

SPONSOR: Neth

COMMITTEE ACTION: Voted "Do Pass" by the Committee on Elections by
a vote of 10 to 2.

This substitute changes the laws regarding elections. In its main
provisions, the substitute:

(1) Requires a candidate for the office of county treasurer or
county collector-treasurer to provide the election authority with a
signed affidavit from a surety company authorized to do business in
Missouri indicating that the candidate meets the minimum $20,000
bond requirements for the office of county treasurer or county
collector-treasurer under Chapter 54, RSMo. Currently, a candidate
for county treasurer must be at least 21 years of age and a
resident of the state and the county in which he or she is a
candidate for at least one year prior to the date of the general
election for the office. The substitute exempts a candidate in a
county with a charter form of government from these requirements
(Sections 52.010, 54.040, and 54.330);

(2) Allows certain third class cities organized under Sections
78.010 - 78.400, to eliminate, by order or ordinance, any primary
election for the office of mayor and councilman that is currently
held in February. A person wishing to become a candidate for one
of these offices must file a signed statement of candidacy with the
city clerk in order to be placed on the ballot in the next
municipal election for the office (Section 78.090);

(3) Allows a county clerk to designate the county clerk's office
as the polling place for registered sex offenders, but does not
require voting at the specified polling places by sex offenders.
Sex offenders may also vote by absentee ballot if they are unable
to vote in person at the county clerk's office (Section 115.115);

(4) Changes when a candidate or a person whose position on a
ballot question was defeated will be allowed a recount of the votes
from a defeat by less than 1% of the votes cast to a defeat by less
than .5% of the votes cast (Section 115.601);

(5) Repeals obsolete statutes regarding elections including:

(a) Repeals the provision that prohibits a voting machine from
being used unless it permits each voter at a presidential election
to vote by the use of a single lever for the candidates of one
party or group of petitioners for President, Vice President, and
their presidential electors (Section 115.249);

(b) Repeals the provision that requires a voting machine to be placed so that the ballot labels can be plainly seen by the election judges when not in use by voters (Section 115.259);

(c) Repeals the provision requiring that the words "Official Absentee Ballot" appear at the top of an absentee ballot (Section 115.281);

(d) Changes the composition of a team to count absentee ballots from four election judges consisting of two from each political party to an equal number of judges from each major political party (Section 115.299);

(e) Repeals the provision prohibiting absentee ballots from being counted by the same persons as those who removed them from their envelopes and extends the preparation period for the tabulation of absentee ballots before general elections or primary elections from five days to 14 days (Section 115.300);

(f) Repeals the provision allowing the use of pasters to add or delete names on printed ballots (Section 115.383);

(g) Removes ballot labels from the list of items that the election authority must deliver to each polling place before the poll opens (Section 115.419);

(h) Changes when election judges must open the ballot box and show to all present that it is empty from after the time fixed by law for the opening of the polls but before the voting begins to not more than one hour before the voting begins (Section 115.423);

(i) Removes ballot cards from the type of ballots that election judges must initial after the voter's identification certificate has been initialed (Section 115.433);

(j) Removes sealing the envelope containing a ballot from the list of responsibilities that election judges must perform when any physically disabled voter is unable to enter the polling place (Section 115.436);

(k) Repeals the provision that allows a voter to cross out a name that appears on the ballot and write the name of the person for whom he or she wishes to vote above or below the crossed-out name and place a cross X mark in the square directly to the left of the crossed-out name but allows a voter to write the name of the person for whom he or she wishes to vote on the write-in line if the line appears on the ballot and place a valid mark immediately beside the candidate's name. The substitute repeals the provisions allowing

the use of a sticker or other item containing a write-in candidate's name in lieu of a handwritten name (Section 115.439);

(l) Repeals the provision requiring the ballot to be strung on a wire or string in the order read after all of the proper votes on a ballot have been counted (Section 115.449); and

(m) Repeals the provisions regarding the responsibility of the election authority in counting ballots cast using punch card voting systems and repeals the provision allowing a voter to use write-in stickers on ballots (Section 115.456); and

(6) Reduces the current nine-member Kansas City School District board to a seven-member board through attrition of the two at-large seats in the 2014 election. Beginning in 2014, elections for the board of directors must be held biennially on the primary election day in even-numbered years instead of on the municipal election day. Members will take office on August 28. The seven-member board will consist of one at-large member and a member from each of its six subdistricts. A candidate for a subdistrict seat must declare for a specific seat and reside in that subdistrict but will be elected by the voters of the entire district. If a vacancy on the school board occurs more than 105 days before the primary election, it will be filled by the appointment of a qualified person by the mayor of Kansas City (Sections 162.481 and 162.492).

PROPONENTS: Supporters say that the bill will encourage greater diversity of opinion on school boards and reduce special interest politics. The current use of subdistricts allows special interest domination of the school board and encourages political intrigue as opposed to sound policy for the entire school district.

Testifying for the bill were Representative Neth; and Woody Cozad.

OPPONENTS: Those who oppose the bill say that subdistrict candidates do run active campaigns and are well known in the community, and that they should retain the ability to represent the interests of their areas.

Testifying against the bill was Caleb Philes.